IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 637 OF 1999

Sau. Nalini Vinayak Dhavale ... Petitioner

Vs.

The State of Maharasthra & Ors. ... Respondents

Mr. Nitin Muley for Petitioner.

Mrs. S.S. Bhende A.G.P. for State.

Mr. R.G. Ketkar for R. No. 4.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : APRIL 15, 2005

P.C.

. The land has been acquired. The declaration has been issued and award is also passed. The Body for whom the land is acquired has also deposited the compensation with S.L.A.O.

. The contention of the Petitioner is that there are resolutions of the acquiring body to give up the proceedings for acquisition. On behalf of the acquiring body their learned counsel has filed statement of dates and reference therein is made to the resolution dated 3.3.1979 of the Standing committee bearing No. 2059 reiterating its decision to acquire the property. The award was thereafter made on 9.8.1982. Once that be the case, it will not be possible for this court to

interfere with the said acquisition more so considering the judgement of the Apex Court in Municipal Council, Ahmednagar Vs.Shah Hyder Beig and otehrs, AIR 2000 S.C. 671. The learned counsel for the Petitioner points out that a second appeal is pending which has been admitted and in view of that the acquired property will be of no use and consequently this court ought to keep the petition along with Second Appeal. That cannot be a ground for either admitting this petition or tagging it with Second Appeal considering that acquisition is for public purpose. No interference is called for. Petition rejected.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)